



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 7532-01  
8 February 2002

m

MA [REDACTED] USMC  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Major [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 February 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB), dated 24 September 2001, and the advisory opinion from the HQMC Officer Assignment Branch, Personnel Management Division (MMOA-4), dated 7 October 2001, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. Since the Board found no defect in your performance record, they had no basis to recommend you for remedial consideration for promotion to lieutenant colonel from the Fiscal Year 2002 or 2003 Lieutenant Colonel Selection Board. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosures



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

7532-01

IN REPLY REFER TO:  
1610  
MMER/PERB  
2 SEP 2001

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF MAJOR  
[REDACTED] USMC

Ref: (a) Major [REDACTED] Form 149 of 12 Jul 01  
(b) MCO P1610.7E w/Ch 1-2

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 12 September 2001 to consider Major [REDACTED]'s petition contained in reference (a). Removal of the Reviewing Officer's comments from the fitness report for the period 991023 to 000530 (CH) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends the Reviewing Officer "devalued" his performance and overall value to the service because he had previously failed of selection. To support his appeal, the petitioner furnishes his own statement, a copy of the challenged fitness report, a letter from the Reporting Senior (Lieutenant Colonel [REDACTED]) and a letter from Lieutenant General [REDACTED]. NOTE: In his letter of 12 July 2001, the petitioner identifies a letter from Brigadier General [REDACTED] as enclosure (5). That document, however, is not present.

3. In its proceedings, the PERB concluded that the report is both administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. With all due respect to Lieutenant Colonel [REDACTED] he cannot speak for Brigadier General [REDACTED] regarding his rationale in assessing the petitioner. Brigadier General [REDACTED] rated the petitioner as "highly qualified" and added some positive verbiage. Simply stated, there is no substantiation the review was anything less than an honest and unbiased assessment of the petitioner's overall performance/qualities.

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
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[REDACTED] USMC

b. The Board stresses that while Lieutenant Colonel [REDACTED] may have provided a recommended assessment and comments to Brigadier General [REDACTED] the General had no responsibility to accept or mirror those recommendations. Likewise, Brigadier General [REDACTED] was not required to either discuss or justify his actions.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the Reviewing Officer's Certification included with Major [REDACTED] fitness report for the period 991023 to 000530 (CH) should remain a part of his official military record.

5. The case is forwarded for final action.

[REDACTED]

Colonel, U.S. Marine Corps  
Deputy Director  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
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IN REPLY REFER TO:

1600  
MMOA-4  
7 Oct 01

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR PETITION FOR MAJOR [REDACTED] /  
[REDACTED] USMC

Ref: (a) MMR Request for Advisory Opinion in the case of  
Maj [REDACTED] USMC of 04 Oct 01.

1. Recommend disapproval of Major [REDACTED] request for removal of  
his failure of selection.

2. Per the reference, we reviewed Major [REDACTED] record and  
petition. Major [REDACTED] filed selection FY-01 and FY-02 USMC  
Lieutenant Colonel Selection Board. Subsequently, the  
Performance Evaluation Review Board (PERB) denied his request  
for removal of the Reviewing Officer comments and Value-to-  
Service marking on the Change of Duty fitness report of 991023  
to 000530. Major [REDACTED] requests removal of his failures of  
selection.

3. In our opinion, Major [REDACTED] record, as it appeared before  
the boards, was complete, accurate, and provided a fair  
assessment of his performance. Had the petitioned report been  
removed, the record would have been more competitive, but not  
enough to warrant removal of the failure of selection. Since  
the unfavorable PERB action did not change the competitiveness  
of the record, we recommend disapproval of Major [REDACTED] request  
for removal of his failures of selection.

4. POC is Major [REDACTED] at [REDACTED]

[REDACTED]

Colonel, U. S. Marine Corps  
Head, Officer Assignment Branch  
Personnel Management Division